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## **BOARD OF SELECTMEN MEETING MINUTES 8/4/09**

The Board of Selectmen met in the Town Hall, Joseph F. Bilotta Meeting Room as scheduled with Thomas Alonzo, Paula Bertram, Steven M. deBettencourt, Thomas Mason, Dave Matthews and CAFO Kerry Speidel present. Meeting opened at 7:00 P.M. with the Pledge of Allegiance.

### ***PUBLIC DISCUSSION***

Curtis Benoit resident of Meadow Woods, lot #38 came before the board to inform them that he is experiencing large amounts of flooding. Also the sewerage, hired three people to do the temporary piping, called George (DeFelice) and his office many times. Twenty four feet of pipe sitting above ground on the flats, had to place bricks underneath so that it wouldn't move. The equipment that was used was too big to do this job. Noted that 140 tons of asphalt was approved at a meeting and is questioning where did this asphalt go, doesn't seem to be that it went to the aprons. Questioned the Sewer Commission, who is going to pay to repair this in the winter time when it freezes, he was told that he had to get heating tape for both the sewer and water pipe. Steve questioned if this was a typical installation the way it shows in these pictures. According to Curtis, he was given nothing but excuses from DeFelice and there is no reason for this mess.

Per the CAFO, the project is not finished; there is still a retainer and actually we still have the last pay requisition plus the retainer and they won't be released until these issues are taken care of. The terms of the contract was to replace whatever had been existing prior to the construction, if there was no apron it was left the way it was. It was never the intent, nor were there funds to pave what had never been paved. I know we had talked about doing aprons because we were under budget. Per Mr. Benoit the people paid for their driveways and were done as they were doing the aprons. Chair would like to hear from the DPW Director and would like to have someone go to see Mr. Benoit to review what his concerns are and whatever is left on his trailer site to ensure that the complete punch list is given to DeFelice.

Dave wants to ensure that we address this issue. Per Paula, this issue was specifically asked of the (sewer) commission and wants to make it clear that no member of the Sewer Commission has been on the site, the DPW Director acts as our liaison and oversight of the project has been under his jurisdiction. Mr. Curtis can be reached at 508-494-5463

Nick Katralis, Lot #40 at Meadow Brook, questioned the trees, a 100' plus hickory tree which had been excavated around two sides and now all that is holding the tree is a straight line of root, when the wind blows now the tree sways. Extremely worried about the wind and would like the town to look into this situation, can be reached at 978 582-1267.

### ***ANNOUNCEMENTS***

1. Chair expressed appreciation to the people who presented the seminar last week on Lyme Disease, Kurt Hayes for hosting. Copy of Power Point presentation to be added to the website once received in the office.

Also, school regionalization; the School Committee has scheduled a workshop to discuss the prospect of regionalization on Saturday, 8/15/09 @ 9:00 AM in the Brooks House.

Unitil, State Senate passed its version of the "unitil bill" changing the fine caps against utilities that don't follow their own emergency response plans. There has been a joint committee established that is working on rectifying differences between the house and senate versions. Jen Benson has been instrumental in getting this passed.

The Muni Bill, which would allow for the establishment of a municipal utility is scheduled for it hearing before the Joint Committee of Telecommunications, Utilities and Energy on Wednesday, 9/9/09 @ 10:00 AM in Room A1 the State House. Bills #'s are House version #3087 and Senate #1527.

### ***APPOINTMENTS***

1. **7:15 PM, Interview Computer Advisory Committee Applicant – Patrick McEvilly** – of 305 Reservoir Road, resident of town for two years. He has volunteered for the NET day at the schools. Manager of network engineering, Harvard University designing installing and maintaining systems for the campus. He has also worked with CAC Chair Anthony Caiozzo on some of the projects. Chair entertain a motion, Paula motioned to appoint Mr. McEvilly, Steve seconded, approved unanimously.

2. **7:20 PM, Interview Public Access Cable Committee Applicant – Jaime Giancola** – of 48 Meadow Lane stated that he has worked with the High School on the video club and thought that by working through the high school he would be able to videotape events and would help the communication process. Previously applied last year and has been attending most of the meetings of the PACC. Per Tom M., the PACC has voted to recommend Mr. Giancola. Tom M., motion to appoint to the PACC, David seconded, voted unanimously.

### 3. 7:25 PM, Interview (tentative) Sewer Commission Applicant – Robert Szocik – rescheduled to 9/1/09 @ 7:15 PM

**4. 7:30 PM, Green Energy Task Force** – Steve Marsden, Chairman of the Green Energy Task Force with committee members Pat Slattery, David Blatt, Steve DiCampo and Ernie Sund were also present. Also, acknowledged staff members John Londa, Joann McQuide and Jaime for their assistance. Explained that the Committee came up with 19 subtopics as to where the grant money would be available and where it would be spent. Whittled down to three attainable options, wind energy, solar energy and education. Will have a link on the town website which will provide information and connect to informational links. Looking for some direction from the board, as they have been working on a grant that will be coming up very shortly. Ernie Sund presented an example of a 400 Watt Wind Generator; noted that the committee is looking to write a by-law that will allow this type of residential installation for the homeowner. Requested that the board sign the letter of approval for a feasibility study. Grant money is available; as is the possibility of generating wind farms, possibly on town owned land but would need seed money or the ability to purchase some equipment, we could generate enough power to help the town owned buildings. Asking if you wanted this committee to work with the Utilities Task Force to investigate the potential options available. Paula would recommend working with the Utilities Task Force, questioned if there is any conservation restriction on using conservation property and per Steve it would depend upon how the specific deed was written. There are also properties that are available of other town owned land that is not conservation, doesn't necessarily even have to be set up in this town. Chair concurred that it would be beneficial to work with the Utilities Task Force, there are effective measures out there and should be working together with them. There are two issues that the committee is looking into, municipal buildings and the large project for energy sources. As it stands right now, the homeowner would need a permit to install a wind generator, a permitted use through the building inspector, a by right permit and the committee hopes to have this bylaw ready for a fall town meeting.

John Londa presented the attached information on the Energy Efficiency Conservation Block Grant, expecting the state to come out with a grant that we can apply for, for energy efficiency. Noted that energy performance contract allows a third party to come in to identify cost savings measures that you can implement to realize those cost savings. On these projects of energy reduction we would see about a 19% for the middle school and 15% for the public safety building; savings in electricity costs. These will pay for themselves over time, an economy of scale. Dave would be interested in seeing the numbers, to determine whether it would make more sense to look at a potential debt override. Basically the return time period is five years and also need to look at the roof systems that we would be utilizing, the main system will be good for 25 to 30 years.

Green Communities program is a state funded program that would provide \$10,000 for a feasibility study. Items necessary to be considered for eligibility would be the "as of right" bylaw and an expedient permit process. The other is taking a baseline for all the town buildings energy usage and identifying ways of cost savings, we qualify for all three. The committee will be tweeking the existing wind energy by-law and adjusting that to incorporate the other technologies within the bylaw.

Tom read the support letter into the record: *Dear Mr. Sylvia: On behalf of the Lunenburg Board of Selectmen, I am writing in support of the Green Communities Planning Assistance Program, 2009 Application. The Town of Lunenburg is committed to an energy program that will reduce usage and cost. Accordingly, the Town's Green Community Task Force has been charged with researching and implementing alternative technology. Through the Green Community Task Force, the five criteria listed within the Green Communities Planning Assistance Program will be the town's achievable goals.*

CAFO questioned the proposal looking to submit both the Photo Voltaic Lighting and the Performance Contract. Per John the intent is to look for both, expect to see a substantial push on solar from the state. A grant proposal will be submitted for both the public safety building and the Turkey Hill Middle School. Would recommend we reinvest the first four years of savings to pay off the additional 175 panels and to take ownership in year 6. Would be the same two buildings one would have a larger array, using the savings to generate the system, so that we're actually utilizing the savings to make the project work. David Blatt reiterated that the panels anticipated life span is going to be 25 to 30 years.

Steve questioned the condition of the roofs that you're proposing placing the panels on, and per John the gym roof is approximately 12 years old, predominately where most of the panels will be installed and the front of the building and the flat roof on the front of the building is approximately 14 years old. On the public safety building, they're looking at the pitched south facing roof, don't believe on the front façade, the roof that goes down to the parking garage.

Committee has been looking at the smaller projects because they could be productive quicker and propose shovel ready projects.

Paula questioned the permitting processes for the homeowner and what would we be looking at. Per Marion, as far as the expediting process; this was one of the tasks for the 43D and to look at commercial retail to bring us to this current arena. Have a document that we began writing in 2000 and has been working with the Building Inspector, have to be sure the bylaws are "as a right"; from the Planning Board perspective, all of this is very attainable. Selectmen expressed appreciation to the committee for all their work.

Paula motioned to support the efforts of the Green Communities Task Force in their application, Steve seconded, voted unanimously to approve.

## **CURRENT BUSINESS**

### **1. CAFO Updates**

- Received notice on 7/28/09 from the US Dept. of Justice notifying us the our grant application for COPS funding was not selected in this round. If additional funds become available then our application will be considered for any future round.

- Tennessee Gas Pipeline Construction is scheduled to be completed on 8/17/09. CAFO to check on the remediation work to be finished.
- Inspection of Lake Shirley Dam was completed and anticipate receiving the report next week.
- Municipal Law Seminar, Friday 9/25/09 at the Log Cabin Banquet & Meeting House in Holyoke and 10/2/09 at The Lantana in Randolph. Board members to advise office if they are interested in attending.
- Local Option Excise taxes, not recommending that we pursue at this point in time. This legislation allows for a .75% meals sales tax and an increase in the room occupancy tax. In Lunenburg we don't have any hotels/motels so room occupancy tax would not apply to us. Currently we have a number of restaurants and we could increase the meals tax by .75%. If town wants to adopt, must be adopted by town meeting, earliest implementation date would be October 1<sup>st</sup> (3 qtrs for FY'10) and would have to be approved by August 30<sup>th</sup>. Majority of the board noted that they are against both of the tax increases at this time.
- Received extensive email from Town Counsel on the Eagle Heights project and questioned if the board will be interested in having town counsel entertain the board's questions on this at Thursday's board meeting. Board concurred, Kerry will provide the document to the board so that they could have opportunity to review and submit comments.
- DPW Director provided Kerry with an update on the debris removal project, looking at approximately another three weeks worth of work, mostly trimming and chipping. The debris along the roadways is near complete at this point in time. Original timetable expired July 17<sup>th</sup> and extended to July 24<sup>th</sup>, as of July 25<sup>th</sup> the liquidated damages of \$500 per day apply. Will discuss with Jack upon his return from vacation. He also mentioned that last week FEMA representatives were out observing the operation and they did comment that ours has been one of the most efficient that they have seen. Steve noted that he would be having more than two crews working in town and to make sure that the contractor understands the liquidated damages. CAFO is 100% confident that the firm is well aware of the liquidated damages as she has seen a number of emails between them and the DPW Director, will check into the number of crews with the contractor. We have received four of the payments on the projects that we submitted to FEMA and will provide this information next week. Chipping has started at the landfill, and FEMA will reimburse us 75% of what our actual costs are and the state will fund 12.5%. At this point the state is not sure that they will be able to fully fund what has been allocated and are holding payments for 90 days. Chair noted that we have to pick up 12.5% and this is not an inconsequential number, so it was imperative that we had to adhere to FEMA guidelines. This is not what we pay taxes for; it was never entered into the picture, we never allocated \$900,000 for this type of clean up and with that requested that people continue to donate to assist the town. Very important to keep in perspective where the money is coming from, where it is going and the amount of time that it has taken town employees to deal with the situation.

**2. Minutes -** Board of Selectmen Regular minutes for 6/16/09, & 7/21/09 and Executive Session for 7/14/09 & 7/21/09 reviewed and signed.

**Warrants** - #4 10, 7.22.09 - \$105,769.04, #5 10, 7/28/09 - \$275,424.91, #5A 10, 7/29/09 - \$1,440.00, #6 10, 8/4/09 - \$415,759.04 and #3P 10, 8/6/09 - \$495,143.11 reviewed and signed.

#### **Action File Issues**

- Paula follow up question to last meeting on Pearl Brook and whether we have heard something on this. CAFO will send out information that she has received, and noted the the Executive Director has submitted a request to waive permit fees, not sure what the town has previous practice has been will check with the Building Inspector.
- Chair questioned memo in the action file and a complaint that the playground in Whalom is not being well maintained, high grass, debris and branches are strewn all over. Will be forwarded to the Parks Department. Other issue is the shooting range at the North Leominster Rod & Gun Club, CAFO will refer this to the zoning officer.
- At the next board meeting in two weeks, the DPW Director will have a road repair strategy for the board.
- Chair questioned a breakdown of what was actually purchased for the wireless for next week's meeting.
- Also the tree trimming that Unitil has been conducting and the 8 foot ground to sky clearing and have comments that this is really overkill, can we get information from NStar or NationGrid or another forested state as to what their clearing policies are. The question is what is the accepted practice in the field, the normal established practice. Dave noted that although he is not a Unitil supporter, they have been in here and they are finally clearing the way, going from no clearing to eight feet is going to be dramatic. Steve noted that the more the mainlines are maintained, the more secondary lines will remain on.

**Contracts – None**

**3. Workshop Request – Sewer Commission** – Sewer Commission has requested a workshop with the Board to discuss the Fitchburg Intermunicipal Agreement (IMA). Have had an opportunity to go through their proposal and would like to go over with the board to discuss negotiating both the IMA with the Cities of Fitchburg and Leominster as far as our capacity issues. Would like to meet prior to a Selectmen's meeting if possible, Sept 1<sup>st</sup> @ 5:30 PM.

## **OLD BUSINESS**

### **1. Committee Updates**

- Tom M., PACC met last Wednesday and still working with Comcast to get the second station up and working with the schools to get full utilization of the second channel. Looking for help to add events to the channel, for public access and education, hopefully content will be there, also looked into public educational programs, health care. Discussed policies, guidelines and training and per Tom M., there is a room at the Ritter Building and the plan is to do these training classes there and working on establishing policies and procedures.
- Paula attended Planning Board meeting and as part of the 319 Grant a guidebook was developed the Planning Board is looking at this to incorporate into out bylaw. Also, on the 43D project, at the old Simmonds (Fitchburg) site, with a portion of the site being in Lunenburg, application was submitted and a hearing has been scheduled.
- MEPA hearing will be scheduled shortly on the well site for the Water District.

## **COMMITTEE APPOINTMENTS / REAPPOINTMENTS / RESIGNATIONS**

**1. Resignation, James Halloran – Planning Board** – Board accepted resignation with regrets and noted that Mr. Halloran's efforts, his background has been a benefit to the town and noted that his absence will be missed. Letter of appreciation will be sent.

**2. Appointments** – Patrick McEvilly to Computer Advisory Committee and Jaime Giancola to Public Access Cable Committee.

**3. FY'10 Vacancies** - COMPUTER ADVISORY COMMITTEE, 4 vacancies, term 06/30/2010, COUNCIL ON AGING, 1 vacancy, term 06/30/2012, FENCE VIEWERS, 1 vacancy, (term per M.G.L. Ch. 49) 06/30/2010, FINANCE COMMITTEE, 1 vacancy, term 06/30/2012, HOUSING PARTNERSHIP, 15 vacancies, terms (3 yrs) range from 06/30/2010 – 2012, MONTACHUSETT JOINT TRANSPORTATION COMMITTEE, 1 vacancy, term 06/30/2010, PERSONNEL COMMITTEE, 1 vacancy (3 yrs) (w/moderator), term 06/30/2011, POUND KEEPER, 1 vacancy, term 06/30/2010, SENIOR CITIZEN PROPERTY TAX WORK-OFF PROGRAM & TAXATION COMMITTEE, 1 vacancy (mbr @ large), term 06/30/2010, SEWER COMMISSION, 2 vacancies, terms 06/30/2011 & 06/30/2012 and 1 vacancy for a Planning Board member.

Also, noted that a letter of appreciation should be sent to Mr. David Rodgers for his service to the town on the Finance Committee.

## **EXECUTIVE SESSION**

Being no further business board voted unanimously to adjourn Regular Session at 9:34 P.M.

Respectfully submitted,

Laura Williams, Chief Administrative Assistant  
Board of Selectmen